

## **IC 36-7-11.5**

### **Chapter 11.5. Historic Hotel Preservation**

## **IC 36-7-11.5-1**

### **Definitions**

Sec. 1. (a) As used in this chapter, "commission" refers to the historic hotel preservation commission established by an interlocal agreement under section 3 of this chapter.

(b) Except as provided in section 11 of this chapter, "fund" refers to the community trust fund established by section 8 of this chapter.

(c) As used in this chapter, "historic hotel" has the meaning set forth in IC 4-33-2-11.1.

(d) As used in this chapter, "qualified historic hotel" refers to a historic hotel that has an atrium that includes a dome that is at least two hundred (200) feet in diameter.

*As added by P.L.92-2003, SEC.62.*

## **IC 36-7-11.5-2**

### **Application; interlocal agreement**

Sec. 2. (a) This chapter applies to a town that satisfies either of the following criteria:

(1) The town contains a qualified historic hotel.

(2) The town contains a historic hotel and is adjacent to another town containing a qualified historic hotel.

(b) The towns described in subsection (a) may enter into an interlocal agreement under IC 36-1-7 to establish a historic hotel district under this chapter. The historic hotel district:

(1) may not include any area outside the county of the towns that enter into the interlocal agreement; and

(2) consists solely of the real property that is:

(A) owned by the historic hotels; and

(B) part of the tract of land (as defined in IC 6-1.1-1-22.5) that includes the parcel or parcels of land upon which the historic hotel building is located.

*As added by P.L.92-2003, SEC.62.*

## **IC 36-7-11.5-3**

### **Requirements of ordinance establishing interlocal agreement membership of historic hotel preservation commission; terms; requirements**

Sec. 3. (a) An ordinance establishing an interlocal agreement under section 2 of this chapter:

(1) must provide for the establishment of a historic hotel preservation commission in the same manner as IC 36-7-11;

(2) shall specify which powers under IC 36-7-11 the commission may exercise in administering the historic hotel district; and

(3) may not conflict with a requirement of this chapter.

If any provision in IC 36-7-11 conflicts with this chapter, the provisions of this chapter control.

(b) The ordinance must provide for the following membership on the historic hotel preservation commission:

- (1) An individual appointed by the legislative body of the county in which the towns are located.
- (2) An individual appointed by the convention and visitor's bureau of the county in which the towns are located.
- (3) An individual appointed by the town council of a town meeting the criteria set forth in section 2(a)(1) of this chapter.
- (4) An individual appointed by the town council of a town meeting the criteria set forth in section 2(a)(2) of this chapter.
- (5) An individual appointed by the Historic Landmarks Foundation of Indiana.
- (6) The owner of a qualified historic hotel or the owner's designee.
- (7) The owner of a historic hotel located in a town meeting the criteria set forth in section 2(a)(2) of this chapter or the owner's designee.
- (8) A nonvoting member appointed by the governor.

(c) The members described in subsection (b)(1) through (b)(5) shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term by the original appointing authority.

(d) The ordinance may provide qualifications for members of the commission described in subsection (b)(1) through (b)(4). In addition, the members appointed under subsection (b)(1) through (b)(4) must be residents of the county who are interested in the preservation and development of historic areas. The commission should include professionals in the tourism industry and professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. The ordinance may also provide for the appointment of advisory members that the legislative body considers appropriate.

(e) Each member of the commission must, before beginning the discharge of the duties of the member's office, do the following:

- (1) Take an oath that the member will faithfully execute the duties of the member's office according to Indiana law and rules adopted under Indiana law.
- (2) Provide a bond to the state that:
  - (A) is for twenty-five thousand dollars (\$25,000); and
  - (B) is, after being executed and approved, recorded in the office of the secretary of state.

(f) A member of the commission is not entitled to a salary per diem or reimbursement for traveling expenses or other expenses incurred in connection with the member's duties.

*As added by P.L.92-2003, SEC.62.*

**Administrator**

Sec. 4. The ordinance adopted under this chapter may:

- (1) designate an officer or employee of a town to which this chapter applies to act as administrator;
- (2) permit the commission to appoint an administrator who shall serve without compensation except reasonable expenses incurred in the performance of the administrator's duties; or
- (3) provide that the commission act without the services of an administrator.

*As added by P.L.92-2003, SEC.62.*

**IC 36-7-11.5-5****Commission rules; required meetings**

Sec. 5. (a) The commission shall elect from its membership a chairperson and vice chairperson, who shall serve for one (1) year and may be reelected.

(b) The commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. Four (4) voting members constitute a quorum of the commission. No action may be taken by the commission unless a majority of the voting members appointed to the commission vote in favor of taking the action.

(c) All meetings of the commission must be open to the public, and a public record of the commission's resolutions, proceedings, and actions must be kept.

(d) If the commission has an administrator, the administrator shall act as the commission's secretary. If the commission does not have an administrator, the commission shall elect a secretary from its membership.

(e) The commission shall hold regular meetings, at least monthly, except when it has no business pending.

*As added by P.L.92-2003, SEC.62.*

**IC 36-7-11.5-6****Funds of commission**

Sec. 6. (a) Money acquired by the commission is subject to the laws concerning the deposit and safekeeping of public money.

(b) The money of the commission and the accounts of each officer, employee, or other person entrusted by law with the raising, disposition, or expenditure of the money or part of the money are subject to examination by the state board of accounts.

*As added by P.L.92-2003, SEC.62.*

**IC 36-7-11.5-7****Powers and responsibilities**

Sec. 7. (a) Except as otherwise specified in this chapter, the commission has all of the powers and responsibilities of a historic preservation commission established under IC 36-7-11.

(b) The commission shall do the following:

(1) Designate a fiscal agent who must be the fiscal officer of one (1) of the towns to which this chapter applies.

(2) Employ professional staff necessary to assist the commission in carrying out its duties.

(3) Engage consultants, attorneys, accountants, and other professionals necessary to carry out the commission's duties.

(4) Jointly approve, with the Indiana gaming commission, the location and exterior design of a riverboat to be operated in the historic hotel district.

(5) Make recommendations to the Indiana gaming commission concerning the selection of an operating agent (as defined in IC 4-33-2-14.5) that the commission believes will:

(A) promote the most economic development in the area surrounding the historic hotel district; and

(B) best serve the interests of the residents of the county in which the historic hotel district is located and all other citizens of Indiana.

(6) Make recommendations to the Indiana gaming commission concerning the operation and management of the riverboat to be operated in the county.

(c) This section does not limit the powers of the Indiana gaming commission with respect to the administration and regulation of riverboat gaming under IC 4-33.

*As added by P.L.92-2003, SEC.62. Amended by P.L.97-2004, SEC.127.*

### **IC 36-7-11.5-8**

#### **Community trust fund**

Sec. 8. (a) The community trust fund is established.

(b) The fund consists of the following:

(1) Money disbursed from the commission.

(2) Donations.

(3) Interest and dividends on assets of the fund.

(4) Money transferred to the fund from other funds.

(5) Money from any other source.

(c) The commission shall manage and develop the fund and the assets of the fund.

(d) The commission shall do the following:

(1) Establish a policy in accordance with subsection (g) for the investment of the fund's assets.

(2) Perform other tasks consistent with prudent management and development of the fund.

(e) Subject to the investment policy of the commission, the fiscal agent appointed by the commission shall administer the fund and invest the money in the fund.

(f) The expenses of administering the fund and implementing this chapter shall be paid from the fund.

(g) Money in the fund that is not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds are invested. Interest that accrues from these

investments shall be deposited in the fund.  
*As added by P.L.92-2003, SEC.62.*

#### **IC 36-7-11.5-9**

##### **Allocations from community trust fund**

Sec. 9. The commission has the sole authority to allocate money from the fund. Money allocated from the fund may be used only for the following purposes:

- (1) Infrastructure projects in the county.
- (2) Historic preservation or restoration projects in the community.
- (3) Other projects designed to enhance the historic character of the surrounding community, including projects in areas of the county that are not within the district.

*As added by P.L.92-2003, SEC.62.*

#### **IC 36-7-11.5-10**

##### **Annual report**

Sec. 10. (a) The commission shall prepare an annual report concerning the fund and submit the report in an electronic format under IC 5-14-6 to the legislative council before October 1 of each year.

(b) The annual report must include the following:

- (1) A list of the projects completed during the preceding calendar year for which funds were distributed under section 9 of this chapter.
- (2) If applicable, evidence of compliance with the United States Secretary of the Interior's standards for historic rehabilitation.
- (3) A list of the projects related to the restoration, repair, or maintenance of the exterior, interior, and landscape features of the historic hotels located in the historic hotel district.
- (4) A list of the projects that may be initiated in the ensuing calendar year related to the restoration, repair, or maintenance of the exterior, interior, and landscape features of the historic hotels located in the historic hotel district.

*As added by P.L.92-2003, SEC.62. Amended by P.L.28-2004, SEC.180.*

#### **IC 36-7-11.5-11**

##### **West Baden Springs historic hotel preservation and maintenance fund**

Sec. 11. (a) As used in this section, "fund" refers to the West Baden Springs historic hotel preservation and maintenance fund established by subsection (b).

(b) The West Baden Springs historic hotel preservation and maintenance fund is established. The fund consists of the following:

- (1) Amounts deposited in the fund under IC 4-33-12-6(c) and IC 4-33-13-5(b).
- (2) Grants and gifts that the department of natural resources receives for the fund under terms, obligations, and liabilities

that the department considers appropriate.

(3) The one million dollar (\$1,000,000) initial fee paid to the gaming commission under IC 4-33-6.5.

The fund shall be administered by the department of natural resources. The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) No money may be appropriated from the fund except as provided in this subsection. The general assembly may appropriate interest accruing to the fund to the department of natural resources only for the following purposes:

(1) To maintain the parts of a qualified historic hotel that were restored before July 1, 2003.

(2) To maintain the grounds surrounding a qualified historic hotel.

No money may be appropriated from the fund for restoration purposes if the restoration is to occur after July 1, 2003.

*As added by P.L.92-2003, SEC.62. Amended by P.L.97-2004, SEC.128.*